UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/440,356	11/15/1999	SITARAMA S. KOCHERLAKOTA	KOCHERLAKOTA-4	2853

22242	7590	11/05/2003

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER
BRANCOLINI, JOHN R

ART UNIT	PAPER NUMBER
2153	5

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

Office Action Summary	Application No. 09/440,356	Applicant(s) KOCHERLAKOTA, SITARAMA S.
	Examiner John R Brancolini	Art Unit 2153

-- The MAILING DATE of this communication appears on the cover sheet with th correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 November 1999* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-34* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-34* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *06 July 2000* is/are: a)☐ accepted or b)☒ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

   If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____ .

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

   a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Claims 1-34 are pending in the application.

Priority

No claim for priority has been made.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(4) because reference characters "101, 103, 105" has been used to designate different items on both figures 2 and 3. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference sign(s) not mentioned in the description: 517, 539. A proposed drawing correction, corrected drawings, or amendment to the specification to add the reference sign(s) in the description, are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

- o   Page 9 line 33, playback server 100 not shown in figures.
- o   Page 10 line 31, Step 573 not shown in figures.

o   Page 15 line 1, Step 55 not shown in figures.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 30-34 rejected under 35 U.S.C. 102(e) as being anticipated by Shteyn

(US Patent Number 6611654).

In regards to claim 30, Shteyn discloses a media program storage system

comprising:

o   A plurality of media program receivers, each including access to a plurality of

   media program signals, at least one media program signal being accessible at

   less than all of the plurality of media program receivers (geographically

   positioned servers for receiving media programs for media signals not available

   at all servers, col 1 line 66 – col 2 line 6).

o   Request serving apparatus responsive to a storage request from a client for

   storage of a media program signal identified by the client for sending the request

   for storage to a media program receiver having access to the media program

requested (a server to receive requests and selecting a storage device, col 2

lines 53-57).

o Storage apparatus at the media program receiver receiving the storage request

sent from the request apparatus for storing the requested multimedia program

(the server receives a request from the client, col 2 lines 53-55).

In regards to claim 31, Shteyn discloses the request serving apparatus stores

accessibility data representing the accessibility of media program signals at the media

program receiver (the server contains an electronic guide to a broadcast containing data

representing the accessibility of the media program, col 1 line 37).

In regards to claim 32, Shteyn discloses the request server analyzes the

accessibility data to identify a media program receiver having access to the media

program requested (the server uses a listing to find a geographically suited storage

device, col 1 lines 34-43).

In regards to claim 33, Shteyn discloses the media program receiving

arrangement receiving the storage request notifies the client originating the request that

the requested storage has occurred (the server that stores the event then streams the

event to the client, after receiving a playout location from the previously notified client,

col 1 lines 43-54).

In regards to claim 34, Shteyn discloses the media program receiving

arrangement receiving the storage request receives a request from the client for

delivery of the stored media program and delivers the stored media program to the

client in streaming video format over the computer network (the server streams the

recorded data to a location specified by the client after recording, col 1 lines 46-54).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shteyn in view of Peterson et al. (US Patent Number 6594682), hereinafter referred to

as Peterson.

In regards to claim 1, Shteyn discloses a method of remote media program

recording via a computer network comprising:

- o Providing a plurality of media programs (a complete television broadcast list, col

   1 lines 36-37).

- o Receiving from a client via the computer network, a request to deliver a specified

   media program to the client, the request specifying a format for delivery (the

   server receives a request for a specified media program from the client via a

   network specifying the format for delivery, col 2 lines 53-59).

o Selecting and storing in digital format the media program specified by the client

(the server records the broadcast in the format selected by the client, col 2 lines

55-59).

Shteyn however does not directly disclose sending to the client, via the computer

network, a message identifying a computer network address from which the stored

media program can be accessed.

Peterson discloses a system for the scheduling and delivery of media content to

a client. In this system Peterson discloses sending a message to the client via the

computer network a message identifying a computer network address from which the

stored media program can be accessed (a notification is made to the client by the

scheduling subsystem that contains sufficient information, such as a network address,

and explains how to retrieve the data, col 4 lines 20-23).

It would have been obvious to one of ordinary skill in the art to modify Shteyn to

include sending to the client, via the computer network, a message identifying a

computer network address from which the stored media program can be accessed as

taught by Peterson. Including this would increase the ease with which the user can

retrieve recorded media from the server, and also allow the user to download the media

at a time more convenient for the client.

In regards to claim 2, Shteyn fails to disclose receiving from the client via the

computer network a request for access to the stored media program. Peterson however

shows the client sending a request to the server for access to the stored media program

(after receiving the notification, the client contacts the server and attempts to download the media, col 4 lines 30-35).

It would have been obvious to one of ordinary skill in the art to modify Shteyn to include a client request to access the stored media as taught by Peterson to increase efficiency at the server end by improving scheduling at the server.

In regards to claim 3, Shteyn discloses transmitting the stored media program to the client via the computer network in the format specified during request receiving (the media program is recorded and transferred to the user based on the users preferences and the capabilities of the playback devices, or the format is selected by the user based on the playback device, col 1 lines 45-54, col 2 lines 22-25).

In regards to claim 4, Shteyn discloses the digital format for storing the specified media program is a format compatible with the format specified during request receiving (the server stores and sends the recorded program to a storage system in the format as requested by the client, col 2 lines 53-55, 62-67).

In regards to claim 5, Shteyn discloses wherein the specified format is a streaming video format (col 2 lines 63-63).

In regards to claim 6, Shteyn discloses a plurality of streaming video formats are provided and the computer network address sent to the client identifies a server capable

of providing streaming video in the format requested by the client (the program is

recorded to a server storage system and then streamed to the client, a network address

is inherently associated with the server and supplied to the client for playback, col 1

lines 46-54).

In regards to claim 7, Shteyn discloses the media program is of predetermined

time duration and the message sent to the client is sent after the time duration of the

media program has passed (the server utilizes a program guide containing the

predetermined lengths of the programs to be recorded, and after storing the program it

is streamed to the client, col 1 lines 34-56).

In regards to claim 8, Shteyn discloses the program transmitting occurs while the

selecting and storing is occurring (if there is sufficient bandwidth, the server may stream

the program directly to the client for play out as the storage is occurring without local

client recording, but still with server storage, col 4 lines 15-18).

In regards to claim 9, Shteyn discloses the message identifying a computer

network address is sent to the client at substantially the same time that the selecting

and storing begins so that the media program can be delivered to the client substantially

in real time (if there is sufficient bandwidth, the server, using a network address, may

stream the program directly to the client for play out as the storage is occurring, col 4

lines 15-18).

In regards to claim 10, Shteyn discloses a remote media program recording and
replay system for use over a computer network comprising:

- o A plurality of media program signals each representing à media program (a
  complete television broadcast list, col 1 lines 36-37).

- o A plurality of media delivery devices, each media delivery device for providing
  stored media programming in a predetermined format over the computer network
  (a plurality of servers used for delivery of media located in several geographic
  locations, col 1 lines 39-42).

- o A server for receiving via the computer network a recording request from a client,
  the recording request specifying a media program and a delivery format in which
  the client desires to receive the media program (the server receives a request for
  a specified media program from the client via a network specifying the format for
  delivery, col 2 lines 53-59).

- o Selecting and converting apparatus for selecting the specified media program
  from the plurality of media program signals and for converting the selected media
  program into a digital format (the server selects and converts the broadcast into
  the digital format selected by the client, col 2 lines 55-59).

- o Storage apparatus for storing the selected media program in the digital format
  provided by the selecting and converting apparatus (the server selects an
  appropriate storage device, col 2 lines 55-57).

o The media delivery device, being responsive to a delivery request from the client received via the computer network for transmitting the stored media program to the client via the computer network (the server can transmit the recorded program as streaming audio or as a data file to be stored remotely via a network, col 2 lines 62-66, col 3 lines 53-56).

Shteyn however does not directly disclose a notifying apparatus responsive to the completion of storage of the specified media program by the storage apparatus for notifying the client of a computer network address specifying one of the media delivery devices and a data file of the storage apparatus storing the specified media program.

Peterson discloses a system for the scheduling and delivery of media content to a client. In this system Peterson discloses a notifying apparatus for sending a message to the client via the computer network a message identifying a computer network address from which the stored media program can be accessed (a notification is made to the client by the scheduling subsystem that contains sufficient information, such as a network address, and explains how to retrieve the data, col 4 lines 20-23).

It would have been obvious to one of ordinary skill in the art to modify Shteyn to include a notifying apparatus for sending to the client, via the computer network, a message identifying a computer network address from which the stored media program can be accessed as taught by Peterson. Including this would increase the ease with which the user can retrieve recorded media from the server, and also allow the user to download the media at a time more convenient for the client.

In regards to claim 11, Shteyn discloses at least one of the plurality of media program signals represents a time based broadcast signal (a sporting event with a definitive start time, col 2 lines 47-49) and the recording and replay system comprises:

o A scheduler which is responsive to a recording request and broadcast time information for selecting a specified media program (the server utilizes an electronic programming guide to find the broadcast time before recording, col 1 lines 37-39).

In regards to claim 12, Shteyn discloses the media program requested by the client is a television broadcast of a sporting event (a basketball game is selected for recording, col 3 lines 61-62).

In regards to claim 13, Shteyn discloses the media program requested by the client is a motion picture (a television network program can be recorded, whether a television show or motion picture, col 3 lines 25-29).

In regards to claim 14, Shteyn discloses the system prepares for delivery to a client only media programs or portions of media programs broadcast after the receipt by the web server of the request from a client (the server does not begin to store or transmit until a program is selected, col 1 lines 35-39).

In regards to claim 15, Shteyn discloses the storage apparatus stores the media program in an uncompressed digital format [Utilizing a hard drive to store the digital data sent directly from the server (col 3 lines 53-56), the server neither storing or altering the data, transmitting an uncompressed digital format to the client (col 4 lines 5-7)].

In regards to claim 16, Shteyn discloses at least one of the media delivery devices delivers media programs in a streaming video format (col 2 lines 63-63).

In regards to claim 17, Shteyn discloses the media delivery device delivers media programs in a streaming video format. Real Media is a streaming video format and would be obvious to one of ordinary skill in the art to utilize for streaming the program to the client.

In regards to claim 18, Shteyn discloses the media delivery device delivers media programs in a streaming video format. Net Show Video is a streaming video format and would be obvious to one of ordinary skill in the art to utilize for streaming the program to the client.

In regards to claim 19, Shteyn discloses a remote media program delivery system for use over an Internet comprising:

o A plurality of time scheduled media program signals each representing a media

   program (a complete television broadcast list, col 1 lines 36-37).

o A plurality of Internet media delivery devices, each media delivery device for

   transmitting media programming in a predetermined format over the Internet (a

   plurality of servers used for delivery of media located in several geographic

   locations, col 1 lines 39-42).

o A server for receiving via the Internet a media program request from a client, the

   media program request specifying a media program and a digital delivery format

   in which the client desires to receive the media program (the server receives a

   request for a specified media program from the client via a network specifying the

   format for delivery, col 2 lines 53-59).

o Selecting and converting apparatus for selecting the specified media program

   from the plurality of time scheduled media program signals and for converting the

   selected media program into a digital format (the server selects and converts the

   broadcast into the digital format selected by the client, col 2 lines 55-59).

o Storage apparatus for storing in a data file at least a portion of the selected

   media program in the digital format specified by the client to the server (the

   server selects an appropriate storage device, col 2 lines 55-57).

o The media delivery device, being responsive to a delivery request from the client

   received via the Internet for transmitting the media program from the storage

   apparatus to the client via the Internet (the server can transmit the recorded

program as streaming audio or as a data file to be stored remotely via a network, col 2 lines 62-66, col 3 lines 53-56).

Shteyn however lacks notifying apparatus for notifying the client-of an Internet address specifying one of the Internet media delivery devices and a data file of the storage apparatus storing at least a portion of the specified media program.

Peterson discloses a system for the scheduling and delivery of media content to a client. In this system Peterson discloses a notifying apparatus for sending a message to the client via the computer network a message identifying an Internet address from which the stored media program can be accessed (a notification is made to the client by the scheduling subsystem that contains sufficient information, such as a network address, and explains how to retrieve the data, col 4 lines 20-23).

It would have been obvious to one of ordinary skill in the art to modify Shteyn to include a notifying apparatus for sending to the client, via the computer network, a message identifying an Internet address from which the stored media program can be accessed as taught by Peterson. Including this would increase the ease with which the user can retrieve recorded media from the server, and also allow the user to download the media at a time more convenient for the client.

In regards to claim 20, Shteyn discloses at least one of the plurality of media program signals represents a time based broadcast signal (a sporting event with a definitive start time, col 2 lines 47-49) and the media program selecting system comprises:

o a scheduler which is responsive to a media program request and scheduled

broadcast time information for selecting a specified media program (the server

utilizes an electronic programming guide to find the broadcast time before

recording, col 1 lines 37-39).

In regards to claim 21, Shteyn discloses at least one of the media delivery

devices delivers media programs in a streaming video format (col 2 lines 63-63).

In regards to claim 22, Shteyn discloses the media delivery device delivers media

programs in a streaming video format. Real Media is a streaming video format and

would be obvious to one of ordinary skill in the art to utilize for streaming the program to

the client.

In regards to claim 23, Shteyn discloses the media delivery device delivers media

programs in a streaming video format. Net Show Video is a streaming video format and

would be obvious to one of ordinary skill in the art to utilize for streaming the program to

the client.

In regards to claim 24, Shteyn discloses the specified media program is a

television broadcast of a sporting event (a basketball game is selected for recording, col

3 lines 61-62).

In regards to claim 25, Shteyn discloses the specified media program is a motion picture (a television network program can be recorded, whether a television show or motion picture, col 3 lines 25-29).

In regards to claim 26, Shteyn discloses a media server comprising:

o A plurality of media program signals each representing a media program (a complete television broadcast list, col 1 lines 36-37).

o A plurality of media delivery devices, each media delivery device for providing stored media programming in a predetermined format over a computer network (a plurality of servers used for delivery of media located in several geographic locations, col 1 lines 39-42).

o A request apparatus for receiving via a computer network, a storage request from a client, the storage request specifying a media program and a delivery format in which the client desires to receive the media program (the server receives a request for a specified media program from the client via a network specifying the format for delivery, col 2 lines 53-59).

o Apparatus for selecting the specified media program from the plurality of media program signals and for storing the selected media program in a digital format compatible with the specified delivery format (the server selects and converts the broadcast into the digital format selected by the client, col 2 lines 55-59).

Shteyn however does not directly disclose a notifying apparatus for notifying the client of a computer network address identifying the stored media program.

Peterson discloses a system for the scheduling and delivery of media content to a client. In this system Peterson discloses a notifying apparatus for sending a message to the client via the computer network a message identifying a computer network address from which the stored media program can be accessed (a notification is made to the client by the scheduling subsystem that contains sufficient information, such as a network address, and explains how to retrieve the data, col 4 lines 20-23).

It would have been obvious to one of ordinary skill in the art to modify Shteyn to include a notifying apparatus for sending to the client, via the computer network, a message identifying a computer network address from which the stored media program can be accessed as taught by Peterson. Including this would increase the ease with which the user can retrieve recorded media from the server, and also allow the user to download the media at a time more convenient for the client.

In regards to claim 27, Shteyn discloses a media delivery device responsive to a delivery request from the client received via the computer network for transmitting the stored media program to the client via the computer network (the server can transmit the recorded program as streaming audio or as a data file to be stored remotely via a network, col 2 lines 62-66, col 3 lines 53-56).

In regards to claim 28, Shteyn discloses wherein at least one of the plurality of media program signals represents a time based broadcast signal (a sporting event with a definitive start time, col 2 lines 47-49) and the media server comprises:

o A scheduler which is responsive to a storage-request and broadcast time

information for selecting a specified media program (the server utilizes an

electronic programming guide to find the broadcast time before recording, col 1

lines 37-39).

In regards to claim 29, Shteyn discloses the media server prepares for delivery to

a client only media programs or portions of media programs broadcast after the receipt

by the server of the request from a client (the server does not begin to store or transmit

until a program is selected, col 1 lines 35-39).

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to John R Brancolini whose telephone number is (703)

305-7107. The examiner can normally be reached on M-F 8am-4:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Glenton Burgess can be reached on (703) 305-4792. The fax phone

number for the organization where this application or proceeding is assigned is (703)

872-9306.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is (703) 305-

3900.

JRB

GLENTON B. BURGESS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100